

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN J. "GUS" HOEFLING and  
MARGARET HOEFLING, his wife,  
*Plaintiffs,*

v.

U.S. SMOKELESS TOBACCO CO., LLC;  
and PINKERTON TOBACCO CO., LP,  
*Defendants*

CIVIL ACTION  
NO. 19-3847

**ORDER**

AND NOW, this 21st day of December 2021, upon consideration of the following motions and Plaintiffs' responses, following oral argument (ECF 98) and consistent with the accompanying memorandum of law it is **ORDERED** that:

1. Pinkerton Tobacco Company's Motion to Exclude Causation Opinions of Plaintiffs' Experts Drs. Busse and Chabner (ECF 71) is **GRANTED**;

2. U.S. Smokeless Tobacco Company, LLC's Motion to Exclude Plaintiffs' Medical Causation Experts (ECF 76) is **GRANTED**;

3. Pinkerton's Motion to Exclude Causation and Design Opinions of Plaintiffs' Expert Dr. Tomar (ECF 70) is **GRANTED** to the extent it seeks to exclude Dr. Tomar's medical causation opinions;

4 The medical causation opinions of Plaintiffs' Experts Dr. Paul Busse, Dr. Bruce Chabner and Dr. Scott L. Tomar are **EXCLUDED** from evidence;

5. Pinkerton's Motion for Summary Judgment (ECF 73) is **GRANTED** and **JUDGMENT IS ENTERED** in favor of Pinkerton Tobacco Company and against John Hoefling and Margaret Hoefling;

6. U.S. Smokeless's Motion for Summary Judgment (ECF 75) is **GRANTED**

and **JUDGMENT IS ENTERED** in favor of U.S. Smokeless Tobacco Company, LLC  
and against John Hoefling and Margaret Hoefling;

The Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.